

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Robert G. Taub

Ardenvoir Post Office
Ardenvoir, Washington

Docket No. A2012-11

ORDER AFFIRMING DETERMINATION

(Issued January 30, 2012)

I. INTRODUCTION

On December 15, 2011, the Postal Service advised the Commission that it “will delay the closing or consolidation of any Post Office until May 15, 2012.”¹ The Postal Service further indicated that it “will proceed with the discontinuance process for any Post Office in which a Final Determination was already posted as of December 12, 2011, including all pending appeals.” *Id.* It stated that the only “Post Offices” subject to closing prior to May 16, 2012 are those that were not in operation on, and for which a Final Determination was posted as of, December 12, 2011. *Id.* It affirmed that it “will not close or consolidate any other Post Office prior to May 16, 2012.” *Id.* at 2. Lastly, the Postal Service requested the Commission “to continue adjudicating appeals as provided in the 120-day decisional schedule for each proceeding.” *Id.*

¹ United States Postal Service Notice of Status of the Moratorium on Post Office Discontinuance Actions, December 15, 2011, at 1 (Notice).

The Postal Service's Notice outlines the parameters of its newly announced discontinuance policy. Pursuant to the Postal Service's request, the Commission will fulfill its appellate responsibilities under 39 U.S.C. § 404(d)(5).

On October 13, 2011, Christine Mallon (Petitioner) filed a petition with the Commission seeking review of the Postal Service's Final Determination to close the Ardenvoir, Washington post office (Ardenvoir post office).² The petition included signatures of 96 customers of the Ardenvoir post office. The Final Determination to close the Ardenvoir post office is affirmed.

II. PROCEDURAL HISTORY

On October 19, 2011, the Commission established Docket No. A2012-11 to consider the appeal, designated a Public Representative, and directed the Postal Service to file its Administrative Record and any responsive pleadings.³

On October 27, 2011, the Postal Service filed the Administrative Record with the Commission.⁴ The Postal Service also filed comments requesting that the Commission affirm its Final Determination.⁵

² Petition for Review received from Christine Mallon regarding the Ardenvoir, Washington post office 98811, October 13, 2011 (Petition).

³ Order No. 910, Notice and Order Accepting Appeal and Establishing Procedural Schedule, October 19, 2011.

⁴ The Administrative Record is attached to the United States Postal Service Notice of Filing, October 27, 2011 (Administrative Record). The Administrative Record includes, as Item No. 47, the Final Determination to Close the Ardenvoir, WA Post Office and Extend Service by Highway Contract Route Service (Final Determination).

⁵ United States Postal Service Comments Regarding Appeal, December 8, 2011 (Postal Service Comments). By motion dated December 8, 2011, the Postal Service moved for late acceptance of its comments. The Postal Service stated the comments were filed one day late due to the need for internal research and consultation on matters raised in the Petitioner's Statements. The motion is granted.

Petitioner wrote a letter and filed a participant statement supporting her Petition.⁶ An opposition to the closing was also submitted by John D. Mallon, a postal customer.⁷ On December 23, 2011, Petitioner filed a reply brief.⁸ The Public Representative did not file comments in this matter.

III. BACKGROUND

The Ardenvoir post office provides retail postal services and service to 63 post office box customers. Final Determination at 2. No delivery customers are served through this post office. The Ardenvoir post office, an EAS-11 level facility, has retail access hours of 9:00 a.m. to 12:30 p.m. and 1:00 p.m. to 4:00 p.m., Monday through Friday, and is closed on Saturday. Lobby access hours are 8:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday. Administrative Record, Item 18, page 5, box 12.

The postmaster position became vacant on September 30, 2008⁹, when the Ardenvoir postmaster retired. Final Determination at 2; Postal Service Comments at 16. A non-career postmaster relief (PMR) was installed to operate the post office. Final Determination at 2, 6. Retail transactions average 14 transactions daily (20 minutes of retail workload). Post office receipts for the last 3 years were \$23,407 in FY 2008;

⁶ Letter received from Christine Mallon, November 2, 2011 (Petitioner Letter); Participant Statement received from Christine Mallon, November 18, 2011 (Participant Statement).

⁷ Although Mr. Mallon is not a petitioner in this proceeding, he submitted his objections to the closing on November 22, 2011, using Commission Form 61 (J. Mallon Participant Statement).

⁸Reply Brief, December 23, 2011 (Petitioner Reply Brief).

⁹ The Postal Service stated the Ardenvoir postmaster retired on October 2, 2009 in the Final Determination. Final Determination at 2. Petitioner states the correct retirement date is September 30, 2008. Petitioner Participant Statement, Attachment at 2. The Postal Service has not explained this discrepancy, but has adopted the retirement date cited by Petitioner. See Postal Service Comments at 16. Petitioner also challenges statements in the Final Determination that refer to the postmaster's successors as officers-in-charge (OICs), as opposed to PMRs. Participant Statement, Attachment at 2. The Postal Service acknowledges that both its Proposed Determination and the Final Determination incorrectly state that an OIC was installed to operate the post office and that both documents should have stated that a PMR was assigned to the post office. Postal Service Comments at 2, n.4. Petitioner fails to state why this admitted error requires a remand.

\$22,151 in FY 2009; and \$20,857 in FY 2010. There are no permit or postage meter customers. *Id.* By closing this post office, the Postal Service anticipates savings of \$42,159 annually. *Id.* at 6.

After the closure, retail services will be provided by the Entiat post office located approximately 12 miles away.¹⁰ Delivery service will be provided by highway contract route service through the Entiat post office. The Entiat post office is an EAS-15 level post office, with retail hours of 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday, and closed on Saturday. Eighty-six (86) post office boxes are available. *Id.* The Postal Service will continue to use the Ardenvoir name and ZIP Code. *Id.* at 2, Concern No. 1.

IV. PARTICIPANT PLEADINGS

Petitioner. Petitioner opposes the closure of the Ardenvoir post office on several grounds. Petitioner challenges the adequacy of the procedures used in concluding that the post office should be closed. Participant Statement, Attachment at 1; Petitioner Reply Brief at 1. Petitioner and Mr. Mallon argue that the Postal Service fails adequately to consider the effect of the post office closing on the community. Participant Statement, Attachment at 2; Petitioner Reply Brief at 2; J. Mallon Participant Statement, Attachment at 1-2. Both Petitioner and Mr. Mallon assert that the closing of the Ardenvoir post office will deny customers regular and effective postal services. Participant Statement, Attachment at 1; Petitioner Reply Brief at 1; J. Mallon Participant Statement, Attachment at 1. Petitioner challenges the economic savings projected by the Postal Service. Participant Statement, Attachment at 2; Petitioner Reply Brief at 2. Finally, Petitioner suggests that the Postal Service has closed the Ardenvoir post office solely for economic reasons. Petitioner Reply Brief at 2-4.

¹⁰ MapQuest estimates the driving distance between the Ardenvoir and Entiat post offices to be approximately 10.9 miles (18 minutes driving time).

Postal Service. The Postal Service argues that the Commission should affirm its determination to close the Ardenvoir post office. Postal Service Comments at 2. The Postal Service believes the appeal raises three main issues: (1) the effect on postal services; (2) the impact on the Ardenvoir community; and (3) the economic savings expected to result from discontinuing the Ardenvoir post office. *Id.* at 1-2. The Postal Service asserts that it has given these and other statutory issues serious consideration and concludes that the determination to discontinue the Ardenvoir post office should be affirmed. *Id.* at 2.

The Postal Service explains that its decision to close the Ardenvoir post office was based on several factors, including:

- the postmaster vacancy;
- a minimal workload;
- low volume and declining revenue;
- a variety of other delivery and retail options (including the convenience of highway contract route delivery service and retail service);
- no recent growth in the area;
- minimal impact on the community; and
- expected financial savings.

Id. at 5. The Postal Service contends that it will continue to provide regular and effective postal services to the Ardenvoir community when the Final Determination is implemented. *Id.* at 5-10.

The Postal Service also asserts that it has followed all statutorily required procedures and has addressed the concerns raised by Petitioner regarding the effect on postal services, the effect on the Ardenvoir community, economic savings, and the effect on postal employees. *Id.* at 2-5, 5-10, 10-12, 12-16.

V. COMMISSION ANALYSIS

The Commission's authority to review post office closings is provided by 39 U.S.C. § 404(d)(5). That section requires the Commission to review the Postal Service's determination to close or consolidate a post office on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions that it finds to be (a) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (b) without observance of procedure required by law; or (c) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

A. Notice to Customers

Section 404(d)(1) requires that, prior to making a determination to close any post office, the Postal Service must provide notice of its intent to close. Notice must be given 60 days before the proposed closure date to ensure that patrons have an opportunity to present their views regarding the closing. The Postal Service may not take any action to close a post office until 60 days after its determination is made available to persons served by that post office. 39 U.S.C. § 404(d)(4). A decision to close a post office may be appealed within 30 days after the determination is made available to persons served by the post office. 39 U.S.C. § 404(d)(5).

The Administrative Record indicates the Postal Service took the following steps in reaching its Final Determination. On April 18, 2011, the Postal Service distributed questionnaires to customers regarding the possible change in service at the Ardenvoir post office. Final Determination at 2. A total of 67 questionnaires were distributed to delivery customers. Other questionnaires were made available at the retail counter. A total of 34 questionnaires were returned. On May 9, 2011, the Postal Service held a

community meeting at the Entiat Library in Entiat, Washington to address customer concerns. *Id.* Fifteen (15) customers attended. *Id.*

The Postal Service posted the proposal to close the Ardenvoir post office with an invitation for comments at the Ardenvoir and Entiat post offices from May 31, 2011 through August 1, 2011. *Id.* The Final Determination was posted at the same two post offices from September 8, 2011 through October 10, 2011. *Id.* at 1; Administrative Record, Item 49.

Petitioner alleges several errors. First, Petitioner argues that the Final Determination did not clearly include an invitation for comments with a round date stamp. Participant Statement, Attachment at 1. Second, Petitioner challenges the results of the survey of post office transactions cited on page 2 of the Final Determination on the grounds that the survey was conducted in February which is a low-use time for postal transactions. Petitioner Reply Brief at 1. Mr. Mallon alleges that the Postal Service held the community meeting at an inconvenient time. J. Mallon Participant Statement, Attachment at 2.

The Postal Service responds to Petitioner's first argument by pointing out that Final Determinations are not required to contain a solicitation for comments. Postal Service Comments at 5, n.13. With respect to Petitioner's claim that the transaction survey was conducted in February, the Administrative Record demonstrates that the survey was actually conducted in March. See Administrative Record, Item No. 10. Finally, the Postal Service defends the time chosen to conduct the community meeting on the grounds that no one time will accommodate all customers and, for that reason, customers are given alternative options for commenting, including customer questionnaires, written correspondence, and customer comments. Postal Service Comments at 4, n.11.

The Postal Service has satisfied the notice requirements of 39 U.S.C. § 404(d).

B. Other Statutory Considerations

In making a determination on whether or not to close a post office, the Postal Service must consider the following factors: the effect on the community; the effect on postal employees; whether a maximum degree of effective and regular postal service will be provided; and the economic savings to the Postal Service. 39 U.S.C.

§ 404(d)(2)(A). The Postal Service must also comply with the provisions of 39 U.S.C. § 101(b), which prohibits closing any small post office solely for operating at a deficit.

Effect on the community. Ardenvoir, Washington is an unincorporated rural community located in Chelan County, Washington. Administrative Record, Item No. 16. There is no local government. Police protection is provided by the County Deputy. Fire protection is provided by the U.S. Forest Service or Fire District. The community is comprised of year-round residents, telecommuters, and vacation homes in a forest setting. *Id.* Residents travel to nearby communities for other supplies and services. *See generally* Administrative Record, Item No. 22 (returned customer questionnaires and Postal Service response letters).

As a general matter, the Postal Service solicits input from the community by distributing questionnaires to customers and holding a community meeting. In this case, the Postal Service met with members of the Ardenvoir community and solicited input from the community with questionnaires. In response to the Postal Service's proposal to close the Ardenvoir post office, customers raised concerns regarding the effect of the closure on the community. Their concerns and the Postal Service's responses are summarized in the Final Determination. Final Determination at 5-6.

Petitioner raises the issue of the effect of the closing of the Ardenvoir post office on the community. Participant Statement, Attachment at 1. She challenges the characterization of the community as "vacation homes in a forest setting" and alleges most homes are permanent residences. Participant Statement at 2; Petitioner Reply Brief at 2. Accompanying Petitioner's reply brief are two letters: (1) a December 8, 2011 letter from Washington State Senator Linda Evans Parlette to Sylvester Black, United States Postal Service (encouraging the Postal Service to take into account the

unique benefit that physical post offices offer to small communities); and (2) a December 8, 2011 letter from Doc Hastings, Member of Congress, to Petitioner (informing Petitioner of concerns that have been expressed to the Postal Service regarding the impact of closing postal facilities in rural areas). Petitioner Reply Brief at 3, 4. Mr. Mallon contends the closing could have a detrimental effect on the local store. J. Mallon Participant Statement, Attachment at 2.

In response to concerns that there is a disparate impact in rural America in general and the Ardenvoir community in particular, the Postal Service notes that post offices are reviewed on a case-by-case basis. The Postal Service further notes that it is in the process of analyzing closure of retail facilities in urban areas. Postal Service Comments at 12. In addition, the Postal Service states that Ardenvoir customers indicate in responses to the Postal Service questionnaire that they will continue to use the local businesses if the Ardenvoir post office is closed. *Id.* at 11-12. Finally, community identity will be preserved by continuing the use of the Ardenvoir name and ZIP Code. Final Determination at 2, Response to Concern No. 1. The Postal Service concludes by arguing that it has met its burden of considering the impact on the community of closing the Ardenvoir post office. Postal Service Comments at 12.

The Postal Service has adequately considered the effect of the post office closing on the community as required by 39 U.S.C. § 404(d)(2)(A)(i).

Effect on employees. The Postal Service states that the Ardenvoir postmaster retired on September 30, 2008 and that a non-career PMR has operated the Ardenvoir post office since then. Postal Service Comments at 16; Final Determination at 2. It asserts that after the Final Determination is implemented, the non-career PMR may be reassigned to a nearby facility or separated and that no other Postal Service employee will be adversely affected. *Id.*

The Postal Service has considered the possible effects of the post office closing on the PMR and has satisfied its obligation to consider the effect of the closing on employees at the Ardenvoir post office as required by 39 U.S.C. § 404(d)(2)(A)(ii).

Effective and regular service. The Postal Service contends that it has considered the effect the closing will have on postal services provided to Ardenvoir customers. Postal Service Comments at 6. It asserts that customers of the closed Ardenvoir post office may obtain retail services at the Entiat post office located 12 miles away. See Final Determination at 2. Delivery service will be provided by highway contract route service through the Entiat post office. *Id.* The Ardenvoir post office box customers may obtain Post Office Box service at the Entiat post office, which has 86 boxes available. *Id.*

For customers choosing not to travel to the Entiat post office, the Postal Service explains that retail services will be available from the carrier. Postal Service Comments *Id.* at 6. The Postal Service adds that it is not necessary to meet the carrier for service since most transactions do not require meeting the carrier at the mailbox. *Id.* The Postal Service explains that customers without access to the internet can obtain services from the carrier, by mail, in many retail stores, and by telephone. *Id.* at 6-7.

Petitioner cites to above average snowfall in Ardenvoir and the hardship that the loss of the Ardenvoir post office will have, particularly on elderly residents. Petitioner Letter at 1; Petitioner Reply Brief at 1. Mr. Mallon expands on those concerns by citing the difficulties and dangers of driving on snow packed roads for up to 15 miles in order to get to the replacement post office at Entiat. J. Mallon Participant Statement, Attachment at 2. Petitioner also raises questions about vandalism and theft in rural mail boxes and she argues that rural route delivery is not effective service for senior citizens. Petitioner Letter at 1; Participant Statement, Attachment at 1.

Petitioner also expresses concern that customers will incur a significant financial penalty if they are required to pay for the cluster box units (CBUs) proposed by the Postal Service. Participant Statement, Attachment at 1.

As a member of the Armed Forces, Mr. Mallon states that he depends upon his mail being forwarded from his Ardenvoir post office box to many different locations. J. Mallon Participant Statement, Attachment at 1.

The Postal Service explains that for customers who receive mail delivered by the carrier to CBUs, the free-standing units of individually locked mail compartments, will be provided, installed, and maintained by the Postal Service at no cost to customers and with keys provided to customers by the Postal Service. Postal Service Comments at 7. If a customer chooses to install a rural mailbox, the Postal Service notes they can contact the administrative postmaster for information on installation that would alleviate concerns about snow plows and security. *Id.* at 7, 9.

The Postal Service argues that locked CBUs are as effective as post office boxes in inclement weather since customers would have to traverse snowy roads, parking areas and sidewalks in either situation. *Id.* at 8. Furthermore, the Postal Service notes that carrier service to either a road side mail box or CBU is beneficial to many senior citizens, citizens lacking transportation and those with special challenges because they do not have to travel to the post office for service. Customers have the option of meeting the carrier at the roadside mailbox or CBU to transact business, although it is not always necessary to be present to conduct most postal service transactions. *Id.* at 6.

The Postal Service addresses concerns about vandalism and theft by asserting that its research disclosed no reports of vandalism in the area and that customers can put a lock on their individual mail boxes as long as the slot is large enough to accommodate their normal mail volume. *Id.* at 10.

In response to Mr. Mallon's concern about the dependability of the rural route service emanating from the Entiat post office, especially for those in the military, the Postal Service notes that rural carriers have demonstrated great responsibility in providing mail service to customers over many years. *Id.* at 9.

The Postal Service has considered and addressed the issues raised by customers concerning effective and regular service as required by 39 U.S.C. § 404(d)(2)(A)(iii).

Economic savings. The Postal Service estimates total annual savings of \$42,159. Final Determination at 2. It derives this figure by summing the following costs:

postmaster salary and benefits (\$44,279) and annual lease costs (\$1,380), minus the cost of replacement service (\$3,500). *Id.*

Petitioner alleges the additional expense for rural route delivery is not included in the economic analysis and she raises concerns about the cost to customers for installation of CBUs on the carrier route. *Id.* Contrary to Petitioner's allegation that the Postal Service did not include costs for additional hours and mileage for the highway contract carrier, the Commission notes the cost estimates include \$3,500 for the annual cost of replacement services. *Id.* at 6.

The Postal Service also notes a one-time cost of \$3,000 for installation of the CBUs. *Id.*

Petitioner also states that there are errors in the year of retirement and the pay-scale of the replacement for 3 years. Petitioner also challenges the figures for the postmaster since the post office has been run by a PMR. Participant Statement, Attachment at 2. The Postal Service states that the savings resulting from the postmaster vacancy in the economic savings section are calculated on an annual basis and are not based on the number of years the position was vacant. See Postal Service Comments at 14. The Commission agrees with the Postal Service that annual costs are the appropriate comparison.

The Commission has previously observed that the Postal Service should include in its estimate of savings those costs likely to be eliminated by the closing. The Ardenvoir post office postmaster retired on September 30, 2008. Final Determination at 2; Postal Service Comments at 16. The post office has since been staffed by a non-career PMR who, upon discontinuance of the post office may be separated from the Postal Service. The postmaster position and the corresponding salary will be eliminated. See, e.g., Docket No. A2011-67, United States Postal Service Comments Regarding Appeal, October 24, 2011, at 13; Docket No. A2011-68, United States Postal Service Comments Regarding Appeal, November 2, 2011, at 10. Furthermore, notwithstanding that the Ardenvoir post office has been staffed by a PMR for approximately three years, even assuming the use of the presumably lower OIC/PMR

salary, the Postal Service would have satisfied the requirements of section 404(d)(2)(A)(iv).

Mr. Mallon suggests other strategies for reducing costs at the Ardenvoir post office. J. Mallon Participant Statement, Attachment at 2-3. The Postal Service states it has broad experience in considering options and, in this case, it has determined that carrier service, coupled with service at the nearby Entiat post office, is a more cost-effective solution. Postal Service Comments at 13. Furthermore, the Postal Service responds to Petitioner's statement that the savings from closing the Ardenvoir post office are small by noting that while these savings may be small, they can make a difference when added together with other initiatives. *Id.* at 15. Finally, the Postal Service states it has broad experience with evaluating cost saving options and has determined that carrier service coupled with service at the nearby Entiat post office is more cost-effective than maintaining the Ardenvoir postal facility and career position. *Id.* at 13. The Postal Service also alleges its analysis of economic savings is valid. *Id.* at 14.

The Postal Service has satisfied the requirement that it consider economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv).

Section 101(b). Section 101(b) prohibits closing any small post office solely for operating at a deficit. Petitioner questions whether the Postal Service is closing the Ardenvoir post office solely for economic reasons. Petitioner Reply Brief at 2-4.

To be sure, economics plays a role in the Postal Service's decision. However, the Commission is not prepared to conclude that the Postal Service's determination violates section 101(b). In addition to considering workload at the Ardenvoir post office (revenues declining and averaging only 14 retail transactions per day), the Postal Service took into account other factors such as the postmaster vacancy, the minimal impact on the community, and expected financial savings. In addition, it considered the alternate delivery and retail options available to customers. Postal Service Comments at 15-16; Final Determination at 7.

The Postal Service did not violate the prohibition in section 101(b) on closing the Ardenvoir post office solely for operating at a deficit.

VI. CONCLUSION

The Postal Service has adequately considered the requirements of 39 U.S.C. § 404(d). Accordingly, the Postal Service's determination to close the Ardenvoir post office is affirmed.

It is ordered:

The Postal Service's determination to close the Ardenvoir, Washington post office is affirmed.

By the Commission.

Shoshana M. Grove
Secretary

DISSENTING OPINION OF CHAIRMAN GOLDWAY

The Administrative Record is inaccurate with regard to economic savings. As such, the Postal Service has not adequately considered economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv).

The Postal Service argues that savings should be calculated based on a full-time postmaster's salary. Yet the Ardenvoir post office has been operated by a non-career postmaster relief (PMR) since the former postmaster retired on September 30, 2008. On the one hand, the Postal Service argues that the effect on employees of this closing will be minimal because only a non-career PMR will be eliminated; yet on the other hand it argues that the savings should be calculated using a full-time postmaster position.

The Postal Service already claims billions of dollars in savings from reducing labor costs. I believe the savings from substituting OICs in postmaster positions throughout the nation has already been included in those billions. There are inherent and blatant contradictions in the Administrative Record that must be corrected on remand.

It is not the statutory responsibility of the Commission to correct the Administrative Record for the Postal Service and certainly not to make its own surmise about what and/or whether there would be savings if accurate data was in the Administrative Record. Therefore, the decision to close should be remanded to the Postal Service to correct the Administrative Record and present a more considered evaluation of potential savings.

I am also concerned about the 10.9 mile driving distance between the Ardenvoir post office and the Entiat post office offered as a substitute. Several members of Congress have publicly expressed concern that post offices that are 10 miles apart should be maintained in rural areas. The Postmaster General has expressed interest in

finding other ways to serve such distant post offices rather than close them altogether. This closing should be reconsidered.

Recent legislation has been introduced precluding the closure of a post office in cases where the nearest post office is more than 10 miles away. The Commission, in its recent Advisory Opinion (Docket No. N2011-1), found that using optimization modeling, the Postal Service could make better choices about which post offices to close that would assure adequate access in rural areas.

Moreover, the Postal Service recently announced a moratorium on post office closings. It is confusing and perhaps unfair to require some citizens whose post offices have received a discontinuance notice as of December 12, 2011 to gather evidence and pursue an appeal to the Commission, while others whose post offices were in the review process, but had not yet received a discontinuance notice by December 12, 2011 have the respite of a 5-month moratorium.

The citizens of Ardenvoir, Washington and their concerns regarding the loss of a neighborhood post office should be afforded the same opportunity to be heard and considered as the citizens of the approximately 3,700 post offices fully covered by the moratorium.

Ruth Y. Goldway

DISSENTING OPINION OF VICE CHAIRMAN LANGLEY

The Postal Service did not adequately consider the economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service should take into consideration that a non-career postmaster relief (PMR) has been in charge of this facility since September 2008, not an EAS-11 postmaster, and reflect the PMR's salary and benefits in its cost savings analysis. As a government entity, the Postal Service should ensure that its cost/benefit analysis accurately identifies capturable cost savings and does not overstate savings.

I find that the Administrative Record evidence does not support the Postal Service's decision to discontinue operations at the Ardenvoir post office and should be remanded.

Nanci E. Langley